

**To:** Robin, George[Robin.George@epa.gov]  
**From:** Dermer, Michele  
**Sent:** Fri 4/5/2013 9:36:56 PM  
**Subject:** RE: AB 669 and UIC program

Great, thanks George.

**From:** Robin, George  
**Sent:** Friday, April 05, 2013 10:53 AM  
**To:** Maier, Brent; Janes, Elizabeth; Dermer, Michele  
**Cc:** Albright, David; Robin, George  
**Subject:** RE: AB 669 and UIC program

I just talked with Melanie Zauscher about her inquiry.

- She wanted to know more about the Ca DOGGR's assertion that this bill gives the Regional Board "veto power." Historically, the MOA between the DOGGR and Reg Bd allows dialogue, comments, etc. while the DOGGR can override/disregard, for instance, any Reg Bd objections during the Class II permitting process.

- DOGGR further asserts that such a change in the UIC permitting process (including Reg Bd's permission) will effect a change in the SDWA UIC Class II Primacy Agreement.

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Mainly, I did not see where the UIC Primacy Agreement would change, other than by editing the description of how the permitting process has changed for Class II wells such that the Reg Bd also must approve in accordance with state law. This may well mean that the State's UIC program becomes more stringent than the Federal program, but certainly not less so.

She agreed when I speculated that the major opponents to AB 669 would be the state's oil & gas operators and their institutions. Those arguments may have some validity, sufficient for some changes to the bill.

Essentially, the DOGGR through the UIC Class II Primacy Agreement is charged with

protection of USDWs (underground sources of drinking water) within the affected areas where Class II wells are regulated while the Reg Bd has the same charge everywhere else in the state of CA. Therefore, by virtue of this bill's provision, by virtue of the historical cooperativeness between these two agencies (as I witnessed), there should rarely exist a "conflict of interest." Indeed, the main "thrust" that I can conclude from AB 669 is concerning the anticipation of a flurry of hydrofracturing activity, creating the need to dispose large amounts of "flowback" fluids. The least expensive means of disposal would be through UIC and the least expensive UIC application would be the least shallow and therefore closest (or maybe into or above) to the USDW sequence and additionally, one of the least accommodating of available aquifers (in an engineering sense).

If Melanie has further need to discuss, she will Cc all of us.

George

**From:** Maier, Brent  
**Sent:** Thursday, April 04, 2013 10:47 AM  
**To:** Janes, Elizabeth; Dermer, Michele  
**Cc:** Robin, George  
**Subject:** RE: AB 669 and UIC program

Elizabeth -

I am the correct OPA contact for this, but if someone in our UIC Program wishes to have a follow up call with Melanie Zauscher to discuss, I do not need to be a part of that discussion. If someone does talk with Ms. Zauscher, please let me know. Thanks.

If you need to see a copy of the Assembly Bill here is a link to put in the bill number, AB669, and view the legislation:

<http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>

Brent

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**From:** Janes, Elizabeth  
**Sent:** Thursday, April 04, 2013 10:34 AM  
**To:** Dermer, Michele; Maier, Brent  
**Cc:** Robin, George  
**Subject:** FW: AB 669 and UIC program

Hi – Melanie included me on this request, but the response should come from Michele/George/David. Brent – if you are not the appropriate OPA contact please let us know. Thanks.

Liz J.

*Elizabeth Janes*

USEPA Region 9 Ground Water Office (WTR-9)

75 Hawthorne Street, SF, CA 94105

Phone 415 972 3537, FAX 947 3549

Register injection wells at [www.epa.gov/region09/water/groundwater/injection-wells-register.html](http://www.epa.gov/region09/water/groundwater/injection-wells-register.html)

For more information see: [www.epa.gov/region09/water/groundwater/index.html](http://www.epa.gov/region09/water/groundwater/index.html)

**From:** Zauscher, Melanie [<mailto:Melanie.Zauscher@asm.ca.gov>]  
**Sent:** Thursday, April 04, 2013 10:16 AM  
**To:** Robin, George; Janes, Elizabeth  
**Subject:** FW: AB 669 and UIC program

George and Elizabeth,

I sent the following email to David Albright. But he is out of town. I was hoping that before he returns either of you are able to talk with me about this bill and how it might impact the UIC program, if it does. Or if there is a more appropriate person to speak with, please point me in

their direction.

Thank you,

Melanie

Melanie Zauscher, Science & Technology Fellow

Office of Assemblymember Mark Stone (Monterey Bay)

State Capitol, Room 5155

Sacramento, CA 95814

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**From:** Zauscher, Melanie

**Sent:** Thursday, April 04, 2013 10:07 AM

**To:** 'albright.david@epa.gov'

**Subject:** AB 669 and UIC program

David,

I staff California Assemblymember Mark Stone on his oil production wastewater bill, Assembly Bill 669. I have spoken to DOGGR and the State Water Board and would also like to speak with you about this bill. I want to know whether and to what extent this bill would affect the UIC program. Here is a link to the whole bill:

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB669&search\\_keywords=](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB669&search_keywords=)  
But I'm specifically curious about the impact of this section added to Public Resources Code 3203:

“Prior to the approval of the commencement of any drilling, re-drilling, or deepening of a well,

the operator shall submit written proof to the supervisor that the applicable regional water quality control board has approved the disposal method and location of disposal of the wastewater, including, but not limited to, produced water and flowback, for the well.”

Please let me know if you have time to speak with me this afternoon, tomorrow, or early week. If you are not the correct person to talk with, please let me know who I should contact.

Thank you very much for your time,

Melanie

Melanie Zauscher, Science & Technology Fellow

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